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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,167	01/31/2002	Sabrina D. Boler	MICR0259	2709

27792 7590 01/25/2006

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EXAMINER

SAJOUS, WESNER

ART UNIT	PAPER NUMBER
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2676

DATE MAILED: 01/25/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	10/066,167	BOLER ET AL	
	Examiner	Art Unit	
	Sajous Wesner	2676	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1,3-12,14,16-26,28-32 and 34-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 25-35 is/are allowed.
- 6) ☒ Claim(s) 1,5,12,14,36 and 37 is/are rejected.
- 7) ☒ Claim(s) 3,4,6-11,16-24 and 38-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### **Remark**

1. This communication is responsive to the amendment and response dated 10/17/2005. Claims 1, 3-12, 14, 16-26, and 28-32, and 34-42 are presented for examination. Claims 2, 13, 15, 27 and 33 are canceled.

### ***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 10/17/05 has been entered.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

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4. Claims 1, 5, 12, 14, 36-37 are rejected under 35 U.S.C. 102(e) as being anticipated by Perkes (US 20030110503).

Considering claim 1, Perkes discloses a method for lossless editing of a media object comprises accessing data defining the media object to produce a representation of the media object (see paragraphs 12-14); enabling a user to selectively edit the representation of the media object by applying a modification to the representation, producing metadata that define the modification (see paragraph 51 and/or paragraphs 289-294, wherein the creation of one's own unique compilation of videos and music from the downloaded contents, see paragraph 247, encompasses the production of metadata that define the modification); rendering (e.g., visualizing) a modified media object in accord with the modification to the representation (see paragraphs 253 in light of paragraphs 289-294); and storing the metadata that define the modification applied to the representation in association with the media object, without modifying the data that define the media object (see item 1414 of fig. 14 and paragraphs 43 and 246).

As per claim 5, Perkes discloses the image storing a stream of metadata in a sub storage of an object linking (see item 1414 of fig. 14 and paragraphs 43 and 246) and embedding (OLE) file (as characterized by paragraph 185).

Claim 12 is a computer-readable medium that performs the method of claim 1. Claim 12 is, therefore, rejected under the same rationale as claim 1.

The invention of claim 14 contains features that are analogous to the limitations recited in claim 1. As the limitations of claim 1 have been met by Perkes, it is readily apparent that the applied prior art performs the underlying elements. As such, the

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limitations of claim 14 are rejected under the same rationale as claim 1. In addition, Perkes discloses, a processor (1202, fig. 12), a display (1232 of fig. 12) in communication with the processor (see paragraph 63); an input device (via item 240) in communication with the processor; and a memory (1206/1208, fig. 12) in communication with the processor for storing media object and machine instructions (inherent in item 1200 of fig. 12) that cause the processor to perform the media editing tasks.

The invention of claim 36 contains features that are analogous to the limitations recited in claim 12. As the limitations of claim 12 have been met by Perkes, it is readily apparent that the applied prior art performs the underlying elements. As such, the limitations of claim 36 are rejected under the same rationale as claim 12.

The invention of claim 37 contains features that are analogous to the limitations recited in claim 14. This being the case, the limitations of claim 37 are therefore rejected under the same rationale as claim 14. In addition, Perkes, at fig. 14, depicts a data structure (1414) for a collection of media objects and comprises a sub storage.

### **Allowable Subject Matter**

5. Claims 3-4, 6-11, 16-24, and 38-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims, because the prior art of record fail to teach a method for lossless editing of a media object that enables representation, user modification, rendering and storing of the media object, wherein the

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modification comprises the step of cropping the representation of the media object with metadata defining a size and position of a crop outline on the representation of the image to indicate limits of a cropped image (as recited in claims 38, and 40).

6. Claims 25-35 are allowed because the prior art of record fail to teach a method for lossless editing of a media object that enables representation, user modification, rendering and storing of the media object, wherein the method further comprises subsequently accessing the media object and metadata; rendering the representation of the media object as defined by the metadata; enabling the user to further modify the first modification of the representation to produce a second modification and producing metadata that define the second modification; and storing the metadata that now define the second modification of the media object, without modifying the data that define the media object.

#### **Information Disclosure Statements**

7. The Information Disclosure Statement (IDS) dated 4/30/2002 has not been considered because the PTO-1449 form was not attached with the disclosure statement.

#### **Conclusion**

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sajous Wesner whose telephone number is 571-272-

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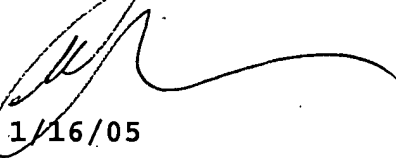
7791. The examiner can normally be reached on Mondays thru Fridays between 11:00 AM and 7:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew Bella can be reached on 571-272-7778. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Wesner Sajous**

**PSA Examiner**



1/16/05